



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

Diane M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE

Application Number: 2303888
Applicant Name: Tiffany McClurg for AT&T Wireless
Address of Proposal: 1701 N. 45th Street

SUMMARY OF PROPOSED ACTION

Master Use Permit (MUP) to establish use for future construction of a minor communication utility (AT&T Wireless) consisting of 12 panel antennas (4 per sector) on the roof of an existing mixed-use building. Project includes equipment cabinet to be located in the basement.

The following approval is required:

SEPA - Environmental Determination pursuant to SMC 25.05

SEPA DETERMINATION: [] Exempt [X] DNS [] MDNS [] EIS

[] DNS with conditions

[] DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND DATA

Site Location and Description

The subject property is located in the Wallingford Business district at the corner of Densmore Avenue North and North 45th Street. Zoning for the site is Neighborhood Commercial 2 with a forty (40) foot height limit (NC2-40'). The site is developed with a two-to-four story building having ground level retail sales and service uses, and apartment uses above. There are surface vehicle parking areas to the rear of the structure. The surrounding zoning to the east and west is NC2-40' and to the south is Lowrise 2 (L2).

Proposal Description

The applicant proposes to place 4 antennas in each of three areas of the existing structure: on the south wall of the south-and-east protrusion of the building, on the west side of the high portion of the building toward the 45th Street end of the building, and on the high north wall toward the east side of the property. All antennas except the south-facing ones will face into the NC2 zone. None of the antennas will be visible above the existing façade.

Public Comment

The public comment period for this project ended 20 August 2003. No comments were received.

SEPA ANALYSIS

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part: "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation," subject to some limitations. Under such limitations/circumstances (SMC 225.05.665 D1-7) mitigation can be considered.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated 3 July 2003. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

Short-term Impacts

Construction and Noise Impacts

Codes and development regulations applicable to this proposal will provide sufficient mitigation for most impacts. The initial installation of the antennas and construction of the equipment room may include loud equipment and activities. However, no such activities would likely be disruptive in either the commercial or the residential zone. Similarly, construction personnel parking demand and traffic are likely to be imperceptible.

Long-term Impacts

Environmental Health

The Federal Communications Commission (FCC) has pre-empted state and local governments from regulating personal wireless service facilities on the basis of environmental effects of radio frequency emissions. As such, no mitigation measures are warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The applicant has submitted a "Statement of Federal Communication Commission Compliance for Personal Wireless Service Facility" and an accompanying "Affidavit of Qualification and Certification" for this proposed facility giving the calculations of radiofrequency power density at roof and ground levels expected from this proposal and attesting to the qualifications of the Professional Engineer who made this assessment. This complies with the Seattle Municipal Code Section 25.10.300 that contains Electromagnetic Radiation standards with which the proposal must conform. The City's experience with review of this type of installation is that the EMR emissions constitute a small fraction of that permitted under both Federal standards and the standards of SMC 25.10.300 and therefore pose no threat to public health.

DECISION

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined not to have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)C).

SEPA CONDITIONS

None.

Signature: (signature on file) Date: September 8, 2003
Paul M. Janos, Land Use Planner
Department of Design, Construction and Land Use